

AMENDED IN SENATE MAY 21, 2009

AMENDED IN SENATE MAY 6, 2009

AMENDED IN SENATE APRIL 20, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 190

**Introduced by Senator Wright
(Coauthor: Senator Padilla)**

February 18, 2009

An act to add ~~Section~~ *Sections 110051 and 110726* to the Health and Safety Code, relating to misbranded food.

LEGISLATIVE COUNSEL'S DIGEST

SB 190, as amended, Wright. Misbranded food: pomegranate juice.

The Sherman Food, Drug, and Cosmetic Law contains various provisions regarding the contents, packaging, labeling, and advertising of food, drugs, and cosmetics. The law provides that, except as specified, any food fabricated from 2 or more ingredients is misbranded unless it bears a label clearly stating the common or usual name of each ingredient, and if the food purports to be a beverage containing vegetable or fruit juice, a statement with appropriate prominence on the information panel of the total percentage of fruit or vegetable juice contained in the food. The law makes it a misdemeanor, punishable as prescribed, to misbrand any food.

The law also provides that all food labeling regulations adopted pursuant to the Federal Food, Drug, and Cosmetic Act shall be the food labeling regulations of this state.

This bill would require the State Department of Public Health, by July 1, ~~2010~~ *2011*, in consultation with interested parties, to adopt

regulations establishing definitions and standards of identity for 100% pomegranate juice consistent with ensuring the public health.

~~By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Existing law establishes the Food Safety Fund in the State Treasury, into which various fees are deposited for use by the department, upon appropriation, for the purposes of specified inspection, licensing, education and training, and registration provisions of the law.

This bill would also state that moneys in the fund are also available to the department, upon appropriation by the Legislature, to fund the development and adoption of regulations required by this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 110051 is added to the Health and Safety
2 Code, to read:

3 110051. Moneys deposited on or after January 1, 2010, into
4 the Food Safety Fund, established pursuant to Section 110050,
5 shall also be made available, upon appropriation by the
6 Legislature, to the department for purposes of funding the
7 development and adoption of the regulations required by Section
8 110726.

9 ~~SECTION 1.~~

10 SEC. 2. Section 110726 is added to the Health and Safety Code,
11 to read:

12 110726. The department shall, by July 1, ~~2010~~ 2011, and
13 consistent with ensuring the public health in consultation with
14 interested parties, adopt regulations establishing definitions and
15 standards of identity for 100 percent pomegranate juice.